IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 22ND FEBRUARY 2007 / 3RD PHALGUNA 1928

Mat.Appeal.No. 348 of 2006

original petition (HMA).15/2001 of SUB COURT, THIRUVALLA

PETITIONER: APPELLANT/PETITIONER:

SATHEESH, AGED 36 YEARS,
S/O. RAGHAVAN, VAZHAYIL HOUSE, VALIAKUNNAM MURI,
THEEADICKAL P.O., PERUMPETTY VILLAGE.

BY ADV. SRI.V.SETHUNATH

RESPONDENTS: RESPONDENTS:
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1. SINDHU, D/O. INDU,
AGED 36 YEARS, MUTHOLIL HOUSE, EZHUMATTOOR MURI,
EZHUMATTOOR VILLAGE, MALLAPPALLY TALUK.

2. KUTTAN, S/O. BHASKARAN,
AGED 45 YEARS, MUTHOLIL, EZHUMATOOR MURI AND
VILLAGE.

THIS MATRIMONIAL APPEAL HAVING BEEN FINALLY HEARD ON 22/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

P.R. Raman & S. Siri Jagan, JJ.

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C.M.Appl. No. 2132 of 2006

&

Mat. Appeal No. 348 of 2006

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Dated this, the 22nd February, 2007.

J U D G M E N T

Raman, J.

C.M.Appl. No. 2132 of 2006 is for condonation of delay of 1497 days in filing the appeal. The appeal itself is filed challenging an order passed by the Sub Court, Thiruvalla in O.P (HMA) No. 15/2001 dismissing the case for non-appearance of the parties. No application for restoration showing good grounds has since been presented before the appropriate forum. Confronted with this position, the learned counsel for the appellant sought permission to withdraw the appeal itself without prejudice to his right to seek appropriate remedies before the appropriate forum.

With leave and liberty sought for, the C.M. Application and the appeal are dismissed as withdrawn.

Sd/- P.R. Raman, Judge.

Sd/- S. Siri Jagan, Judge.

Tds/

[True copy]

P.S to Judge.